REMARKS

No claims are being amended in this response. Claims 1-25 are currently pending. In light of the following remarks, the applicant requests withdrawal of the pending rejections and advancement of this application to allowance.

A. Rejection of Claims 1-3 and 6-25

Claims 1-3 and 6-25 stand rejected as being obvious over Peterson in view of Eggers et al. The applicant respectfully traverses his rejection.

1. Prior Art

Peterson discloses a system in which an application program is downloaded into a pump. The system can then track a variety of information about the pump such as the particular application program downloaded into the pump and the length of time each pump is enabled. The teachings of Peterson are directed to application programs and not operating parameters. The application program is the program that controls operation of the pump for a specific therapy or type of delivery (e.g., continuous delivery, intermittent delivery, pain control, chemotherapy, total parenteral nutrition, etc.). The operating parameters are the data that the application program uses to control operation of the pump.

Peterson does not disclose a set of program data, including parameters for controlling operation of a pump. It does not teach assigning a data key to a set of program data that includes operating parameters. Nor does Peterson disclose downloading the set of operating parameters to a medical pump.

Eggers et al. teaches a control unit 100 that can be attached to various function units 150. The control unit 100 controls operation of the function unit 150 and can store a library of software. As with Peterson, Eggers et al. fails to teach a set of program data having operating parameters, a data key assigned to the set of program data, and batch downloading the set of operating parameters to a medical pump. In fact, Eggers et al. explicitly teaches individually entering each data item into the pump. See, e.g., col. 14, lines 17-47; figures 7 and 8.

2. Official Notice

The office action states "that it was well known in the database arts to assign identifiers to data sets." The use of an identifier in the claimed manner is not taught or suggested in the cited art, and the applicant respectfully traverses this official notice.

The cited art teaches individually entering data items into the pump. It does not teach storing or downloading such sets of data. Accordingly, one could not have known to assign identifiers to program data having operating parameters for a medical pump.

The applicant respectfully requests citation of specific documentary evidence that shows assigning identifiers to program data having operating parameters for a medical pump. M.P.E.P. § 2144.03.

3. Claims 1-3 and 6

Accordingly, no combination of Peterson and Eggers et al. will result in the method of claim 1. For example, no combination of these references will result in method that includes the act of entering a plurality of data items into a database to form a set of program data, at least some of the data items establishing parameters for controlling operation of a medical pump. Nor will any combination of these references result in a method that includes the act of assigning a data key to the set of program data.

Therefore, the applicant respectfully submits that claim 1 (and dependent claims 2, 3, and 6) is patentably distinct from the cited references and requests withdrawal of the pending rejection with respect to these claims.

4. Claims 7-9

Similarly, no combination of these references will result in the apparatus of claim 7. For example, no combination of these references will result in an apparatus having memory loaded with a database of program data records, at least some of the program data records including data items (i.e., operating parameters) for controlling operation of a medical pump, a data key identifying one of the data records, and a database management system programmed to exchange data with the pump.

Therefore, the applicant respectfully submits that claim 7 (and dependent claims 8 and 9) is patentably distinct from the cited references and requests withdrawal of the pending rejection with respect to these claims.

5. Claim 10-15 and 21-25

No combination of these references will result in the apparatus of claim 10. For example, no combination of these references will result in an apparatus for batch programming of a medical pump having a processor configured to retrieve a set of program data (which includes at least some operating parameters) from a database and batch download the set of program data to a medical pump.

Therefore, the applicant respectfully submits that claim 10 (and dependent claims 11-15) is patentably distinct from the cited references and requests withdrawal of the pending rejection with respect to these claims.

6. Claim 16-20

No combination of the claimed references teach or suggest a method of batch programming a medical pump as set forth in claim 16. For example, no combination of the claimed references will result in the claimed combination of acts that includes batch downloading a set of program data (which includes at least some operating parameters) to a medical pump.

Therefore, the applicant respectfully submits that claim 16 (and dependent claims 17-20) is patentably distinct from the cited references and requests withdrawal of the pending rejection with respect to these claims.

B. Rejection of Claims 4 and 5

Claims 4 and 5 stand rejected as being obvious over Peterson in view of Eggers et al. and further in view of "Acute Health Solutions' DoseWatch to use Multum's MediSource" ("MediSource"). The applicant respectfully traverses this rejection.

Peterson and Eggers et al. were distinguished above from the claimed invention, which includes all of the elements of claim 1. Additionally MediSource discloses only uploading information to a computer for analysis to determine whether a pump is properly programmed. It fails to disclose a set of program data, including parameters for controlling the operation of a pump. Nor does it disclose assigning a data key to the set of program data.

Claims 4 and 5 depend from and include all of the elements set forth in claim 1. No combination of the cited references will result in the claimed method. For example,

no combination of the cited references will result in the claimed combination of acts including entering a plurality of data items into a database to form a set of program data, at least some of the data items establishing parameters for controlling operation of a medical pump, and assigning a data key to the set of program data.

Therefore, the applicant respectfully submits that claims 4 and 5 are patentably distinct from the cited references and requests reconsideration and withdrawal of the pending rejection.

C. Conclusion

In view of the foregoing remarks, the applicant respectfully requests withdrawal of the pending rejection and advancement of this application to issuance. The applicant also notes that there may be additional reasons that the claimed invention is patentably distinct form the cited references in addition to those raised in the above remarks. The applicant reserves the right to raise any such reason in the future.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact the undersigned attorney at (612) 336-4608.

Respectfully submitted,

MERCHANT & GOULD, P.C.
3200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
(612) 332-5300

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By: _____
John C. Reich
Reg. No. 37,703
JCR/nma

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PATENT TRADEMARK OFFICE